

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARY LABRADOR, individually and on behalf of all others similarly situated, Plaintiff, v. SEATTLE MORTGAGE COMPANY, Defendant.

) Case No. 08-2270 SC
) ORDER APPROVING
) SUPPLEMENTAL DISTRIBUTION
) AND ALLOCATION
) OF CY PRES FUNDS
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)
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On March 4, 2011, the Court finally approved the settlement of this certified class action. ECF No. 128. The Court barred any cy pres distribution absent court approval and instructed Plaintiff Mary Labrador ("Plaintiff") to file a motion for cy pres distribution when the Settlement Administrator, Rust Consulting, determined that settlement residue was ripe for cy pres distribution. ECF No. 134.

Plaintiff now declares that Settlement Fund residue is ripe for distribution, and she proposes a supplemental distribution to class members who cashed the initial settlement check, with the residue of this supplemental distribution distributed to cy pres beneficiaries. ECF No. 135. Plaintiff claims that there currently exists \$419,200 in Settlement Fund residue, and that a distribution of this residue to the 9,965 class members who cashed the first

1 settlement check would yield an average supplemental distribution
2 of \$38. Id. at 2. Rust Consulting estimates the cost of such a
3 distribution to be \$28,000. Id.

4 Having reviewed the papers submitted, the Court GRANTS
5 Plaintiff's Motion and ORDERS as follows:

- 6 • Settlement Administrator Rust Consulting shall perform a
7 supplemental distribution of the residue to the 9,965 class
8 members who cashed their initial distribution checks. As with
9 the initial distribution, these supplemental payments shall be
10 based on the comparative size of the loan origination fee the
11 class member was charged, with a minimum distribution of \$15.
- 12 • Absent approval of the Court, the costs paid to Rust
13 Consulting for administering this distribution shall not
14 exceed \$28,000.
- 15 • If more than \$10,000 remains in residue upon completion of
16 this supplemental distribution, Plaintiff and Rust Consulting
17 shall file declarations apprising the Court of the current
18 state of the Settlement Fund. If less than \$10,000 remains,
19 this residue shall be distributed in equal shares to the
20 National Consumer Law Center and Healthcare and Elder Law
21 Programs Corporation as cy pres beneficiaries.

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23 IT IS SO ORDERED.

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25 Dated: August 31, 2011


26 UNITED STATES DISTRICT JUDGE
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